

Federal Energy Regulatory Commission

§ 5.2

- 5.10 Scoping document 2.
- 5.11 Potential Applicant's proposed study plan and study plan meetings.
- 5.12 Comments on proposed study plan.
- 5.13 Revised study plan and study plan determination.
- 5.14 Formal study dispute resolution process.
- 5.15 Conduct of studies.
- 5.16 Preliminary licensing proposal.
- 5.17 Filing of application.
- 5.18 Application content.
- 5.19 Tendering notice and schedule.
- 5.20 Deficient applications.
- 5.21 Additional information.
- 5.22 Notice of acceptance and ready for environmental analysis.
- 5.23 Response to notice.
- 5.24 Applications not requiring a draft NEPA document.
- 5.25 Applications requiring a draft NEPA document.
- 5.26 Section 10(j) process.
- 5.27 Amendment of application.
- 5.28 Competing applications.
- 5.29 Other provisions.
- 5.30 Critical Energy Infrastructure Information.
- 5.31 Transition provision.

AUTHORITY: 16 U.S.C. 792–828c, 2601–2645; 42 U.S.C. 7101–7352.

SOURCE: Order 2002, 68 FR 51121, Aug. 25, 2003, unless otherwise noted.

§ 5.1 Applicability, definitions, and requirement to consult.

(a) This part applies to the filing and processing of an application for an:

(1) Original license;

(2) New license for an existing project subject to Sections 14 and 15 of the Federal Power Act; or

(3) Subsequent license.

(b) *Definitions.* The definitions in § 4.30(b) of this chapter and § 16.2 of this chapter apply to this chapter.

(c) *Who may file.* Any citizen, association of citizens, domestic corporation, municipality, or state may develop and file a license application under this part.

(d) *Requirement to consult.* (1) Before it files any application for an original, new, or subsequent license under this part, a potential applicant must consult with the relevant Federal, state, and interstate resource agencies, including as appropriate the National Marine Fisheries Service, the United States Fish and Wildlife Service, Bureau of Indian Affairs, the National Park Service, the United States Envi-

ronmental Protection Agency, the Federal agency administering any United States lands utilized or occupied by the project, the appropriate state fish and wildlife agencies, the appropriate state water resource management agencies, the certifying agency or Indian tribe under Section 401(a)(1) of the Federal Water Pollution Control Act (Clean Water Act), 33 U.S.C. 1341(c)(1)), the agency that administers the Coastal Zone Management Act, 16 U.S.C. § 1451–1465, any Indian tribe that may be affected by the project, and members of the public. A potential license applicant must file a notification of intent to file a license application pursuant to § 5.5 and a pre-application document pursuant to the provisions of § 5.6.

(2) The Director of the Office of Energy Projects will, upon request, provide a list of known appropriate Federal, state, and interstate resource agencies, Indian tribes, and local, regional, or national non-governmental organizations likely to be interested in any license application proceeding.

(e) *Purpose.* The purpose of the integrated licensing process provided for in this part is to provide an efficient and timely licensing process that continues to ensure appropriate resource protections through better coordination of the Commission's processes with those of Federal and state agencies and Indian tribes that have authority to condition Commission licenses.

(f) *Default process.* Each potential original, new, or subsequent license applicant must use the license application process provided for in this part unless the potential applicant applies for and receives authorization from the Commission under this part to use the licensing process provided for in:

(1) 18 CFR part 4, Subparts D–H and, as applicable, part 16 (*i.e.*, traditional process), pursuant to paragraph (c) of this section; or

(2) Section 4.34(i) of this chapter, *Alternative procedures*.

[Order 2002, 68 FR 51121, Aug. 25, 2003; 68 FR 61742, Oct. 30, 2003; 68 FR 69957, Dec. 16, 2003]

§ 5.2 Document availability.

(a) *Pre-application document.* (1) From the date a potential license applicant files a notification of intent to seek a